



**Legislative Bulletin.....September 2, 2005**

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**H.R. \_\_ — “Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005”**

**Order of Business:** The bill is expected to be considered today, Friday, September 2<sup>nd</sup>, under a unanimous consent agreement. No roll call vote is expected, and the Senate will deem the legislation approved upon House passage.

**Summary:** H.R. \_\_ provides \$10.5 billion in FY05 emergency supplemental funds for disaster relief for those affected by Hurricane Katrina. Specifically, \$10 billion is directed to the Department of Homeland Security Emergency Preparedness and Response – Disaster Relief, under which the Federal Emergency Management Agency (FEMA) operates. The additional \$500 million is for the Department of Defense Operation & Maintenance, including hurricane expenses, evacuation, etc.

The bill states that the FY05 funds are designated as "emergency" as defined in Section 402 of H. Con. Res. 95. This section outlines criteria for receiving an “emergency” designation:

“(c) CRITERIA-

(1) IN GENERAL- For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is--

- (A) necessary, essential, or vital (not merely useful or beneficial);
- (B) sudden, quickly coming into being, and not building up over time;
- (C) an urgent, pressing, and compelling need requiring immediate action;
- (D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and
- (E) not permanent, temporary in nature.

(2) UNFORESEEN- An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.”

**Text of H.R. \_\_ :**

“Making emergency supplemental appropriations to meet immediate needs arising from the consequences of Hurricane Katrina, for the fiscal year ending

September 30, 2005, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, namely:

DEPARTMENT OF HOMELAND SECURITY  
EMERGENCY PREPAREDNESS AND RESPONSE  
Disaster Relief

For an additional amount for “Disaster Relief”, \$10,000,000,000, to remain available until expended: *Provided*, That the amount provided herein is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109<sup>th</sup> Congress).

DEPARTMENT OF DEFENSE  
OPERATION AND MAINTENANCE  
Operation and Maintenance, Defense-Wide  
(Including Transfer of Funds)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$500,000,000 for emergency hurricane expenses, to support costs of evacuation, emergency repairs, deployment of personnel, and other costs resulting from immediate relief efforts, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense may transfer these funds to appropriations for military personnel, operation and maintenance, procurement, family housing, Defense Health Program, and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not more than 5 days after making transfers from this appropriation, notify the congressional defense committees in writing of any such transfer: *Provided further*, That the amount provided herein is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109<sup>th</sup> Congress).

This Act may be cited as the “Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005”.

**Cost to Taxpayer:** The bill appropriates \$10.5 billion, for FY05, as emergency spending. The \$10 billion for Homeland Security is to remain available until expended. The \$500 million for the Department of Defense is to remain available until September 30, 2006.

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